April 3, 2019

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Expanding Flexible Use of the 3.7 to 4.2 GHz Band, Order and Notice of Proposed Rulemaking,* **GN Docket No. 18-122**; *Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band,* **ET Docket No. 13-49**: *Petition for Waiver to Allow Deployment of Intelligent Transportation System Cellular Vehicle to Everything (C-V2X) Technology,* **GN Docket No. 18-357**; *Unlicensed Use of the 6 GHz Band,* **ET Docket No. 18-295**; *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz,* **GN Docket No. 17-183**

Dear Ms. Dortch:

On April 2, 2019 Michael Calabrese, representing the Open Technology Institute at New America (OTI), met via telephone with Aaron Goldberger, Legal Advisor to Chairman Ajit Pai, concerning the above-listed proceedings.

With respect to the underutilized mid-band spectrum at 3700-4200 MHz, I noted that both the Public Interest Spectrum Coalition (PISC) and the Broadband Connects America coalition, in their respective filings, strongly supported the Commission's proposal to authorize point-to-multipoint (P2MP) fixed wireless broadband providers to coordinate shared use of the upper portion of the band that remains allocated to the Fixed Satellite Service. I noted the broad support for coordinated sharing of available spectrum in C-band for P2MP fixed services, as proposed by the Broadband Access Coalition, among rural broadband advocates, rural wireless ISPs, tier-two carriers with CAF obligations, Google and other technology companies represented by the Dynamic Spectrum Alliance, as well as other parties that support more intensive use of the band to narrow the rural broadband divide.

With respect to the mostly vacant 5.9 GHz band, I noted that the PIOs filed comments opposing 5GAA's "Petition for Waiver." The PIOS stated that 5GAA's request for a waiver is in reality a request to open a new 5.9 GHz rulemaking that would substantially overlap and undermine the Commission's pending 5.9 GHz rulemaking. The broader 5 GHz rulemaking is into its sixth year and is expressly considering options that are directly contradictory to carving out a portion of the band for the exclusive use of yet another command-and-control technology that has not even been adopted by the Department of

Transportation. The PIOs have urged the Commission to instead take a fresh look at the best use of the entire 5.9 GHz band through a broader and more appropriate Further Notice of Proposed Rulemaking.

Finally, with respect to the 6 GHz proceeding, I summarized the main points in comments OTI filed February 15 on behalf of a coalition of Public Interest Organizations (PIOs). The PIOs generally support the Commission's proposal to authorize secondary unlicensed use across the entire 5925 – 7125 MHz range of frequencies. However, I also emphasized that consumer and rural broadband advocates strongly believe two significant improvements are critical to ensure that Wi-Fi and other unlicensed technologies can keep pace with consumer demand and make wireless connectivity robust and affordable for every home, business, school and library.

First, the PIOs urged the Commission to authorize low power, indoor-only unlicensed use across the U-NII-5 and U-NII-7 band segments without the cost and complexity of AFC coordination. The failure to set a power level at which Wi-Fi can operate indoors across the entire 6 GHz band, using off-the-shelf routers and low-cost devices, would sacrifice what is likely to be the greatest benefit of this rulemaking. Without affordable, do-it-yourself access to the 850 megahertz in U-NII-5 and U-NII-7, a majority of homes and small businesses in particular will likely be limited *to a single 160 megahertz channel* between 6.875 and 7.125 GHz (U-NII-8 segment).

Second, I noted that the PIOs urged the Commission to adopt rules for outdoor, AFC-controlled fixed wireless deployments that are harmonized with Part 15 rules allowing higher gain antennas in the 5 GHz bands currently in use for rural broadband, enabling higher EIRP operations that cover larger areas more affordably. Equipment already widely deployed in the 5 GHz band is easily adaptable to operate in the 6 GHz band.

Respectfully submitted,

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cc: Aaron Goldberger